

### **Remarks**

Claims 1-10 and 15-23 have been cancelled, claims 11-14 have been withdrawn, and new claims 24-43 have been added. Claims 24-43 are currently pending in the instant application.

### **Examiner Interview**

Applicants wish to thank the Examiner for the productive telephonic interview on May 5, 2010. Several different proposed claim limitations were discussed during the interview. Based on the helpful feedback from the Examiner, Applicants' representative has proposed new claims herewith that capture some of those claim limitations along with other new claim limitations intended to capture some of ideas considered during the conversation.

### **New Claims**

No new subject matter has been added in the new claims.

Support for new independent claim 24 can be found in FIGS. 1 and 2 as filed, along with page 2, lines 26-30, page 4, lines 14-16, the claims as filed, and elsewhere in the instant application as filed.

Support for new dependent claim 25 can be found in FIGS. 1 and 2 as filed, along with the amended paragraph beginning at page 4, line 10, the claims as filed, and elsewhere in the instant application as filed.

Support for new independent claim 31 can be found in FIGS. 1 and 2 as filed, along with the amended paragraph beginning at page 4, line 10, the claims as filed, and elsewhere in the instant application as filed.

Support for new dependent claims 32-33 can be found in FIGS. 1 and 2 as filed, along with page 2, lines 26-30, page 4, lines 14-16, the claims as filed, and elsewhere in the instant application as filed.

Support for new independent claim 38 can be found in FIGS. 1 and 2 as filed, along with page 2, lines 26-30, along with the amended paragraph beginning at page 4, line 10, the claims as filed, and elsewhere in the instant application as filed.

Support for new dependent claim 39 can be found in FIGS. 1 and 2 as filed, along with the amended paragraph beginning at page 4, line 10, the claims as filed, and elsewhere in the instant application as filed.

Support for the remaining claims can be found generally in the instant application as filed and the claims as filed.

### **Amendment to the Specification**

As set forth above, the paragraph beginning on page 4 at line 10 has been amended to include the following sentence: "The second gas-line part 10b also has a second end 10b'" connected to the second end 10a'" of the first part 10a at the Luer fitting 20, such that the first gas-line part 10a and the second

gas-line part 10b extend from the Luer fitting 20 in a substantially coaxial or straight configuration as shown.”

It is respectfully submitted that, as discussed above, no new subject matter has been added to the application as a result of this amendment. Support for this amendment can be found in FIGS. 1 and 2 as filed and elsewhere in the application as filed.

#### **§ 101 Rejections**

Claims 1-10 were rejected under 35 U.S.C. § 101 based on the assertion that the claimed invention was directed to non-statutory subject matter. Claim 1-10 have been cancelled. As such, it is respectfully submitted that the rejection of these claims has been rendered moot.

#### **§ 102(b) Rejections**

Claims 1-5 and 15-19 were rejected under 35 U.S.C. § 102(b) as being anticipated by Freed (U.S. Patent 6,132,363). Claims 1-5 and 15-19 have been cancelled. As such, it is respectfully submitted that the rejection of these claims has been rendered moot.

#### **§ 103(a) Rejections**

Claims 6-8, 10, 20, 21, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Freed. Claims 6-8, 10, 20, 21, and 23 have been cancelled. As such, it is respectfully submitted that the rejection of these claims has been rendered moot.

#### **New Claims 24-43 Are Patentable**

As discussed above, new claims 24-43 have been added in the instant Response. It is respectfully submitted that claims 24-43 are patentable over Freed.

#### ***New Independent Claim 24 Is Patentable Over Freed***

Independent claim 24 is directed to a percutaneous gas line comprising a second gas line comprising a subcutaneous anchoring collar coupled around an outer surface and along a length of the second gas line.

Freed, in contrast, fails to teach or suggest such a collar. Instead, Freed discloses a “through-the-skin port” (See col. 1, ll. 52-53) having a disk-shaped base 16 with a flange 22 (See FIG. 4) that is disposed on the end of the internal drive line 28. As shown in FIG. 4, the port is implanted into the patient so that the disk-shaped base 16 is disposed beneath the skin and the cylindrical neck 20 extends out of the skin.

Nowhere does Freed teach or suggest a second gas line comprising a subcutaneous anchoring collar. In fact, the “second gas-line part 18” identified in the Office Action (See p. 3) is actually an “external, detachable part 18 which connects the [port] to the drive unit 14.” (See col. 4, ll. 34-35). A subcutaneous anchoring collar would serve no purpose on an external

component. As such, Freed does not teach or suggest a second gas line comprising a subcutaneous anchoring collar.

Further, nowhere does Freed teach or suggest a subcutaneous anchoring collar coupled around an outer surface and along a length of the second gas line. Instead, as best shown in FIG. 4, the flange 22 identified in the Office Action (*See* p. 3) is on the base 16 of the port, not around an outer surface of any gas line. As such, Freed does not teach or suggest a subcutaneous anchoring collar coupled around an outer surface and along a length of the second gas line.

Thus, Freed fails to teach or suggest the invention of claim 24.

***Claims Depending From Claim 24 Are Patentable***

Because claims 25-30 depend directly or indirectly from claim 24 and incorporate all the limitations of claim 24, the above arguments apply to these dependent claims as well. As such, Freed fails to teach or suggest the invention of claims 25-30.

***New Independent Claim 31 Is Patentable Over Freed***

Independent claim 31 is directed to a percutaneous gas line comprising a second gas line comprising an opening defined in the first end, wherein the opening is in communication with a lumen defined within the second gas line, wherein the opening is substantially coaxial with a longitudinal axis of the gas line.

Freed, in contrast, fails to teach or suggest such a gas line. Instead, Freed discloses the external, detachable part 18 as discussed above and best depicted in FIG. 4. Given that the “external, detachable part 18 . . . connects the [port] to the drive unit 14” (*See* col. 4, ll. 34-35), the configuration shown in FIG. 4 with the lumen having a 90 degree bend near the end of the part 18 allows the part 18 to couple to the port 12. In other words, if the part 18 had an opening defined at the end that were substantially coaxial with the longitudinal axis of the gas line, the part 18 would extend out from the patient’s body in such a fashion that it would constantly catch on the patient’s clothes and any objects with which the patient might come in close proximity, thereby risking damage to the port, the patient, and the entire Freed system. As such, Freed does not and would not teach or suggest a gas line having such an opening.

Thus, Freed fails to teach or suggest the invention of claim 31.

***Claims Depending From Claim 31 Are Patentable***

Because claims 32-37 depend directly or indirectly from claim 31 and incorporate all the limitations of claim 31, the above arguments apply to these dependent claims as well. As such, Freed fails to teach or suggest the invention of claims 32-37.

***New Independent Claim 38 Is Patentable Over Freed***

Independent claim 31 is directed to a percutaneous gas line comprising a second gas line comprising both (1) a subcutaneous anchoring collar coupled around an outer surface of the second gas line along a length of the second gas line, and (2) an opening defined in the first end, wherein the opening is in communication with a lumen defined within the second gas line, wherein the opening is substantially coaxial with a longitudinal axis of the gas line.

For reasons discussed above, Freed fails to teach or suggest such a gas line. Thus, Freed fails to teach or suggest the invention of claim 38.

***Claims Depending From Claim 38 Are Patentable***

Because claims 39-43 depend directly or indirectly from claim 38 and incorporate all the limitations of claim 38, the above arguments apply to these dependent claims as well. As such, Freed fails to teach or suggest the invention of claims 39-43.

Serial No.: 10/595,603  
Filing Date: April 28, 2006

**Conclusion**

Applicants respectfully submit that claims 24-43 are in condition for allowance. Reconsideration and a Notice of Allowance for all pending claims is respectfully requested.

Please direct any calls in connection with this application to the undersigned at (612) 766-8739.

Respectfully submitted,  
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Dated: May 14, 2010

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